

## FINANCE DEPARTMENT

The 23rd September, 1968

No. 9368-TA-HR(1T)-68/601.—Shri R. D. Sharma on promotion as Assistant Accounts Officer in the scale of Rs 250--25--500/30--650 took over charge of the post of Assistant Accounts Officer in the office of General Manager, Haryana Roadways, Rohtak, on the forenoon of 2nd September, 1968.

M. L. BATRA.

Secretary.

## LABOUR AND EMPLOYMENT DEPARTMENTS

The 13th September, 1968

No. 8702-3I ab-68/23490.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and management of M/s Hissar-Nilibar Co-operative Transport Society Ltd., Hissar :—

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 40/68

*between*SHRI JOGINDER SINGH AND OTHER, WORKMEN AND THE MANAGEMENT OF M/S  
HISSAR-NILIBAR CO-OPERATIVE TRANSPORT SOCIETY LTD. HISSAR*Present :—*Shri Tek Chand Gurta, for the workman.

Shri Arjan Dass, for the management.

## AWARD

Shri Joginder Singh was in the service of M/s Hissar-Nilibar Co-operative Transport Society Ltd., Hissar, as a Conductor. It is alleged that his services were terminated without any prior notice. This gave rise to an industrial dispute and the President of India, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication.—*vide* Government Gazette Notification No. ID/HSR/52A-68, dated 1st April, 1968 :—

Whether the action of the management in not providing work/terminating the services of Shri Joginder Singh, son of Shri Mansa Singh, was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which the workman filed his statement of claim and the management filed their written statement. On behalf of the workman it is pleaded that his services were terminated on 22nd December, 1967 and on enquiry he was simply told by the management that his services were no longer required. On behalf of the management it is pleaded that the workman absented himself from duty from 5th December, 1967 onwards and did not turn up in spite of notice, dated 12th December, 1967, which was sent to him under postal certificate. It is alleged that the workman had in fact failed to give an account of the passenger tax tickets as detailed in the written statement and for this reason he thought that it would be safer for him not to report for duty. The pleadings of the parties gave rise to the following issues :—

- (1) Whether the claimant Shri Joginder Singh has absented himself from duty of the respondent society as a Conductor from 5th December, 1967, onwards?
- (2) If the above issue is not proved, whether the action of the management in not providing work/terminating services of the claimant is justified and in order, if not to what relief he is entitled?

*Issues Nos. 1 and 2.*—Since both these issues are connected it would be desirable to discuss them together.

The management has produced Shri Kartar Singh, M.W. 1, who is serving them as an Accountant in support of their case. He gave evidence after referring to the entries in the attendance register and stated that the workman Shri Joginder Singh is shown to be present only up to 4th December, 1967 and thereafter he is shown to be continuously absent. He says that the workman is marked absent up to 22nd December, 1967 and thereafter his name was struck off. The witness has also referred to notice copy Ex. M. 2 which is supposed to have been sent to the workman under postal certificate intimating to him that he is absent from duty without leave after 5th December, 1967 and in case he did not return within 7 days, his substitute would be appointed. The postal receipt Ex. M. 3 by which this notice is said to have been sent to the workman has also been produced. Shri Piara Singh whose signatures appears under this notice has however not been produced. There is no evidence on the record to show who made the entries in the attendance register.

Shri Sham Lal M.W. 2 a Booking Clerk in the respondent society has also been produced. He says that the passenger tax tickets of which the details are given in the written statement were handed over to the workman and his signatures were obtained in the register against relevant. The witness does not say that the workman did not render the accounts of the passenger tax tickets in question. Moreover it does not appear that any notice was ever given to the workman that he had not rendered the accounts of the passenger tax tickets given to him and that he should do so. The evidence of Shri Sham Lal, therefore, is of no help to the management.

The workman Shri Joginder Singh has appeared in the defence in support of his case and has affirmed on oath that the management refused to give him duty on and after 22nd December, 1967, although he has been reporting for duty almost daily. According to the workman the respondent society first employed him in a temporary capacity some times in the month of February or March, 1965 and he worked for about 5 months; the management then terminated his services and gave him afresh appointment in February, 1966 on Rs 100/- P.M. although the other conductors were being given Rs. 110/- P.M. and the dispute also arose with regard to the payment of increments and bonus. The workman says that he was also not being given weekly rest and when he asked for his legitimate dues, the management terminated his services. The workman has been cross examined but his version that he was reappointed on Rs 100/- P.M. although the other conductors were being paid at the rate of Rs 110/- P.M. and that the workman was not given weekly rests or bonus has not been questioned.

I have carefully considered the evidence of both the parties and in my opinion the version given by the workman appears to be correct. There is absolutely no reason as to why the workman should have taken into his head to absent himself from duty without any reason what so ever from 5th December, 1967 onwards. It is not the case of the management that the workman was not interested in continuing to remain in their service or that he had obtained a better employment some where else. No notice under registered cover was sent to the workman that he was absent himself from duty. Only a notice under postal certificate is supposed to have been given to him. The workman had denied the receipt of any such notice. On the other hand his plea is that he has been reporting for duty almost daily but the management did not give him any duty.

Shri Kartar Singh, Accountant, who has appeared as a witness on behalf of the management states, that during conciliation proceedings also the facts as now stated were affirmed but there is no evidence to his effect. In case the management really had no objection to the workman continuing in their service they could have easily made an offer to the Conciliation Officer that the workman could resume his duty while reserving to themselves their right to frame a charge sheet against the workman for absenting himself from duty without any reason. In case the workman had not actually rendered any accounts of the passenger tax tickets he could have been charge-sheeted for this misconduct also and appropriate action taken against him.

The workman has produced copies of the notice which he has been serving on the management with regard to his claim for bonus etc. In case the workman himself was absenting from duty and there was no dispute with regard to the payment of bonus or giving of weekly rests etc, the management could have easily informed the workman of the correct position as soon as they received the notice. Hence after carefully considering the evidence and the circumstances of the case I am of the opinion that the circumstances of the case strongly corroborated the version of the workman and it is proved that the management have refused to give him duty on and after 22nd December, 1967 and thus the termination of his services was not justified and in order. He is entitled to be reinstated with continuity of service and full back wages.

Dated the 9th September, 1968

P. N. THUKRAL,

Presiding Officer,  
Labour Court, Faridabad.

No. 1621

Dated the 10th September, 1968

Forwarded (four copies) to the Secretary, to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 9th September, 1968

P. N. THUKRAL,

Presiding Officer,  
Labour Court, Faridabad.

The 19th September, 1968

N. 8579-2Lab-68 23649.—In exercise of the powers conferred, —vide proviso of sub-rule (6) of rule 26 of the Punjab Minimum Wages Rules, 1950, the Governor of Haryana is pleased to exempt M/s Telefunken India Ltd., Ballabgarh, (District Gurgaon) from the maintenance of Register of Wages in Form No. X, prescribed under rule 26 (1) of the said rules, subject to the conditions that the information in the aforesaid rule is provided by the management in the registers maintained by